



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 13, 2005

SUBJECT: **2005-0557** – Jinsu Jeong [**Applicant**] Li Edward Kin Hung Et Al [**Owner**]: Application on a 22,750 square foot site located at **530 South Murphy Avenue** (near El Camino Real) in an R-2/O (Low-Medium Density Residential/Office) Zoning District.

Motion Use Permit to allow a 1,364 square-foot dance studio in an existing 22,750 square-foot commercial building.

REPORT IN BRIEF

Existing Site Conditions Shopping Center

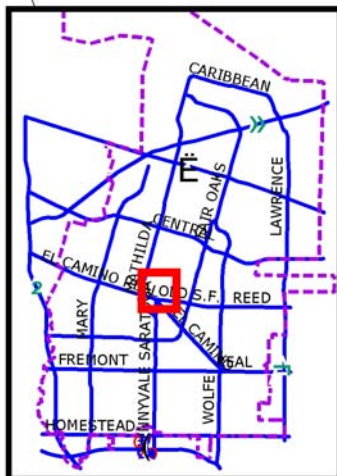
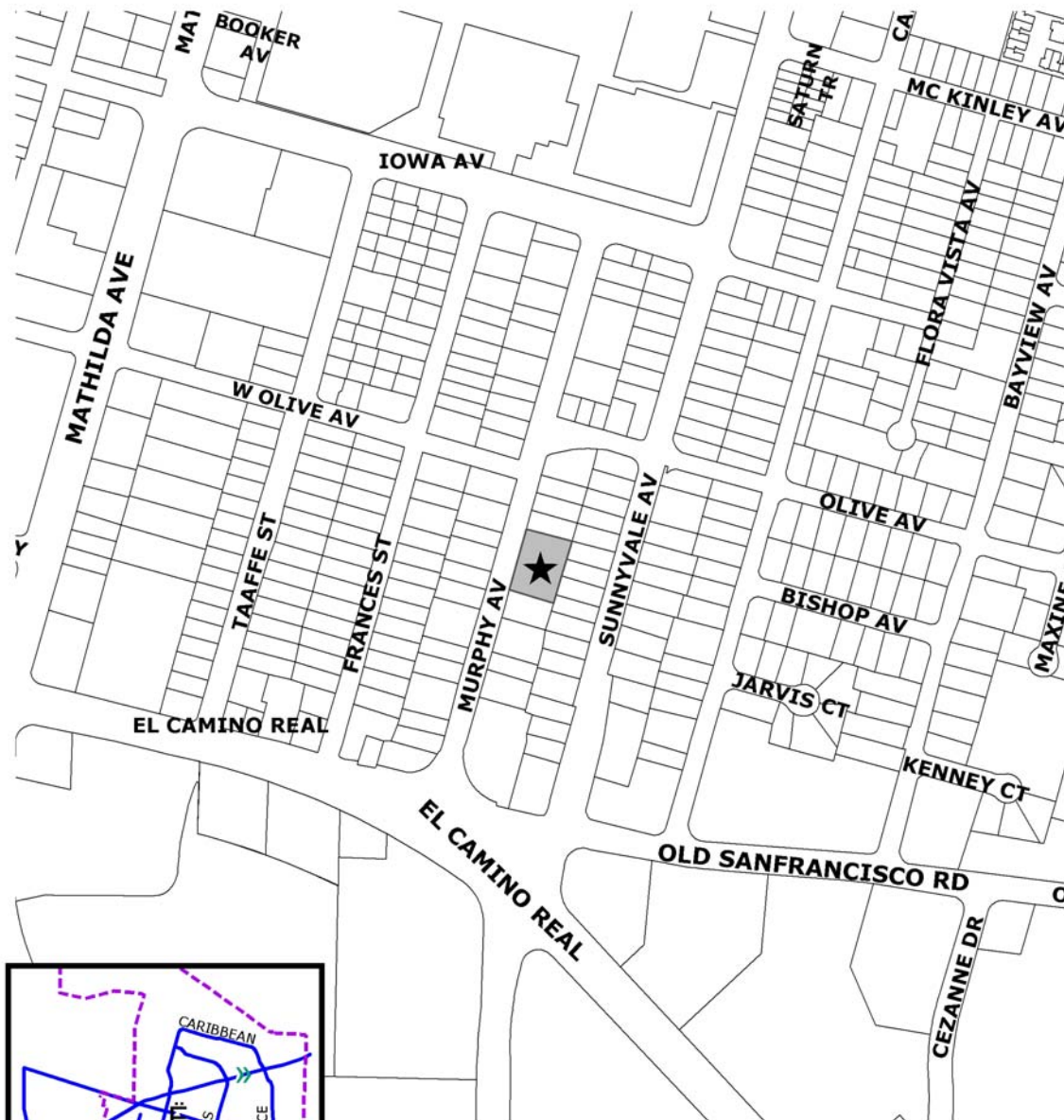
Surrounding Land Uses

North	Multi-family residential
South	Multi-family residential
East	Single-family residential
West	Multi-family residential

Issues Parking

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with Conditions



**530 S Murphy Ave
Use Permit**

0 270 540 1,080 Feet



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Office	Same	Residential and Office
Zoning District	R-2/O	Same	R-2/O
Lot Size (s.f.)	22,750	Same	8,000 sf min.
Gross Floor Area (s.f.)	8,412	Same	9,337 sf max. w/out public hearing
Lot Coverage (%)	37%	Same	45% max.
Floor Area Ratio (FAR)	37%	Same	45% max. w/out public hearing
Tenant Size (s.f.)	1,364	Same	N/A
Setbacks Facing Property (Existing)			
★ Front	10 ft	Same	20 ft min.
Left Side	10 ft	Same	6 ft min. Total 15 ft
Right Side	10 ft	Same	6 ft min. Total 15 ft
Rear	60 ft	Same	20 ft min.
Landscaping (sq. ft.)			
★ Total Landscaping	10% (approx.)	Same	20% min
★ Frontage Width (ft.)	4	Same	15 ft. min.
★ Landscaping Buffer (ft.)	3	Same	10 ft. min.
Parking			
★ No. of Spaces	28	Same	47
★ No. of Accessible	1	Same	2 min.
★ No. Compacts	0	Same	10%.

★ Starred items indicate existing deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing to open a dance school in a tenant space previously occupied by an office use. The school is currently located in Santa Clara where it has been operating for the past two years. Classes consist of ballet for children (3-5 children) and adult “Dance Sport” classes (2-8 adults). The majority of classes are offered during the evenings and on weekends, although a small number of children’s classes may be offered during the day.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Decision	Date
1993-0236	Personal service	Approved	11/10/1993
1976-0414	Retail sales/ services	Approved	5/10/1976
1976-0416	Jewelry sales and classes	Approved	6/14/1976
1976-0413	Art studio and classes	Approved	1/26/1976
1975-0348	Karate Classes	Approved	6/9/1775

The proposed tenant space at 530 S. Murphy is the same space that was approved for Karate school in 1976.

This site was developed as a small shopping center during the 1950's under the C-2 Zoning District. In 1977 the City Council approved a study to revise the General Plan for the central area of Sunnyvale. A Precise Plan was adopted in 1978 and the Zoning of this site was amended to incorporate the Office Combining District with the R-2 Zone. The intent of the R-2/O Zoning was to allow office uses to occupy converted single-family residences or new buildings designed to be compatible with the R-2 district.

Since this shopping center existed prior to the Zoning Code Amendment in 1978, Neighborhood Commercial (C-2) zone uses have prevailed at this site. Prior Use Permits for individual tenants have allowed personal service and neighborhood commercial oriented businesses. Among these are dry cleaners, personal services, and vacuum sales/services, which are still in operation at the site today.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes Use Permits.

Use Permit

The Zoning Code Amendment restricted the allowed uses at this site to only those allowed in the new R-2/O district. These types of uses are limited primarily to office (administrative, professional, medical) uses. Since the time of the Zoning change, staff has considered this building to be an existing nonconforming shopping center with existing and new nonconforming uses.

Until the site is redeveloped with structures that accommodate the allowed uses of the R-2/O Zone, the site will likely continue to contain some nonconforming uses. In general there are a very limited number of uses that could potentially occupy this center.

Although dance/educational classes are not a permitted use in the R-2/O Zone, staff is considering this application for a Use Permit in this Zone since the shopping center is legal nonconforming.

Landscaping: The site currently has 10% landscaping where 20% is required in R-2/O Zones. Records indicate that various Conditions of Approval to upgrade the existing landscaping have been required for most Use Permit approvals in the past. The site landscaping has been improved with planter boxes, street trees, and a masonry wall along the rear property line.

At this time, staff did not find additional opportunities to make further upgrades to increase the percentage of landscaping on the site. On a site visit, staff did note that the existing landscape buffer along the front, rear, and side property lines was in a substandard condition. Most of the planter areas were devoid of landscaping and some of the trees had either been removed or died. In addition, the irrigation systems throughout the site appeared to no longer be functional. Staff finds there is an opportunity to enhance the existing landscaping by adding bushes, ground cover, trees, and installing a new irrigation system. These have been included in the Conditions of Approval.

The site currently has one protected heritage tree. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project include preserving the protected tree.

Parking/Circulation: Parking requirements have previously been based on a retail rate of 1/180 (shopping centers under 20,000 square feet), which equates to 47 parking spaces on-site. These previous permits were approved with the acknowledgement that only 28 parking spaces exist on site. At the time the City found that the uses would not generate the number of cars anticipated by City parking ratios and found that the shopping center was legally nonconforming to current parking standards.

Currently there are 28 parking spaces on site including one accessible space. The proposed use in conjunction with the other existing uses in the center would require approximately 47 parking spaces under a strict interpretation of the parking requirements in Sunnyvale Municipal Code 19.46.050. This calculation includes 2 accessible spaces. Staff is considering this shopping center to be a legally existing and nonconforming to the City's current parking requirements.

A majority of the other uses in the shopping center are open only during daytime hours Monday through Friday. The proposed use will have a majority of their operations occurring during the evenings and on the weekends; although a small number of children's classes may be offered during the day. Staff finds that this use will be complementary to the existing uses in the shopping center in terms of parking usage of the site. Staff also finds that the proposed use will not cause an increase in peak hour traffic near the site relative to the previous office use that occupied the tenant space. Conditions of Approval have been added that limit the number of clients, the scheduling of classes, and the hours of operation to ensure the use will be complementary with the existing uses in the center.

Compliance with Development Standards/Guidelines: The site is considered legal nonconforming since the front setbacks, percentage of landscaping and amount of on-site required parking do not meet code. Records indicate that various Conditions of Approval to upgrade the site have been required for most Use Permits approved in the past. The site has been improved with planter boxes, street trees, a masonry wall along the rear property line, a master sign program, and a trash enclosure since the Zoning change occurred.

Expected Impact on the Surroundings: The project site is surrounded on two sides by office/retail uses and by single-family residential on the other two sides. Staff expects there will not be an increase in peak hour traffic near the site relative to the previous business that occupied the tenant space. Staff also believes there will not be a significant impact to the surrounding neighbors resulting from this proposed business.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 28 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.
4. Direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Letter from Applicant
- D. Site Plans

Recommended Findings – Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element***Policy C4.3 Consider the need of business as well as residents when making land use and transportation decisions.***

Staff finds that this use will be complementary to the existing uses in the shopping center in terms of parking usage of the site. Staff also finds that the proposed use will not cause an increase in peak hour traffic near the site relative to the previous office use that occupied the tenant space.

Policy N1.14 Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

The dance school is proposed to be located in the R-2/O Zone where there may be issues of compatibility. Staff finds that proposed Use Permit is compatible with the existing business and residential uses in the area. The use will not negatively impact adjacent properties or significantly increase noise and traffic in the neighborhood.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project combines a variety of uses with different hours of operation on one site. The use is in a shopping center that is considered to be legally nonconforming to the City's current regulations.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the business will operate during off peak hours in an existing nonconforming shopping center. The parking impacts will be minimal due to the differing hours of peak parking demand on site and due to the minimal parking requirements of the existing businesses in the shopping center.

Recommended Conditions of Approval – Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Comply with all requirements of previously approved Use Permits.
- G. Hours of operation shall be limited to the following hours:
 - Monday - Friday: 3:00pm – 9:00pm
 - Saturday: 12:00pm – 9:00pm
 - Sunday: 12:00pm – 5:00pm
 - Special Events Monday - Saturday: 8:00am to 10:00pm
- H. The maximum number of customers shall not exceed 12 persons at any one time.
- I. All class times shall be staggered by 15 minute time intervals to ensure sufficient parking on site.

2. LANDSCAPING CONDITIONS

- A. Trees shall be planted along the rear and side property lines in the existing landscape areas at intervals of 8 feet. These trees shall be 15 gallon size trees and shall be either medium or large species trees. Tree planting shall occur prior to this proposed use occupying the tenant space.
- B. Bushes and ground cover shall be installed in all landscape areas on site, including the front planter boxes.
- C. The irrigation system shall be restored to a working condition in all landscape area throughout the site.

3. OTHER CONDITIONS

- A. The non-permitted signs on the south facing wall of this building shall be removed prior to this proposed use occupying the tenant space.

Business Permit Application Number: 2005-0557**Application Submitted: June 9, 2005****Proposed Address: 530 S. Murphy St., Sunnyvale, CA**

TO: Whom It May Concern
City of Sunnyvale

Subject: PROJECT DESCRIPTION

I am, Jinsu Jeong, owner and operator of the J. Motion Dance School. My school has been operating at 1998 Homestead Rd. #121, Santa Clara, CA 95050 for over two years, offering various dance programs to people in the Santa Clara community. I wish to relocate the dance studio to Sunnyvale because that is where most of my students live.

At the school I teach Ballet for small groups of children (currently 3-5 students per class) and "Dance Sports" and "Well-being Dance" to small groups of adult couples (currently 1-4 couples per class).

There are some classes during business hours, but most are held in the evening and weekends (times most convenient for my adult students).

I have spent several months looking for potential spaces in the Sunnyvale area and I concluded the proposed location is ideal:

- 1) The location doesn't have heavy traffic which I think is ideal and safe for students especially children.
- 2) I believe the location is safe to offer classes in the evening hours and weekends.
- 3) Our students expressed that the new location is convenient, safe, and will save their commute time.

Based on my experience owning and operating a dance school for last 15 years, I believe the proposed location has sufficient parking spaces:

- 1) Classes for children currently average 3-5 students per class. Parents typically drop children off at the school before the class

- starts and pick them up when the class finishes.
- 2) Classes for adults are intended for couples. They typically come with one car per couple thus do not require many parking spaces.
 - 3) The majority of my classes are offered in the early evening and weekend. We will have more parking spaces available during those times as other stores and shops will be closed.

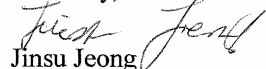
Based on my experience running the dance school in Santa Clara, here is some additional information that will be similar to the proposed location:

- 1) Only one class at any one time.
- 2) For child classes, I have 3-5 students per class. The parents drop them off before the class and pick them up after the class so their cars only stop briefly.
- 3) For adult classes, I have 1 to 4 couples per class. Each couple typically comes in one car.
- 4) Offering evening classes while other businesses are closed.
- 5) Offering weekend classes while other businesses are closed.

I have been running dance schools for over 15 years and my first priority is my students. I feel the proposed location is ideal and importantly my students like the new location. I would like to be a member of the Sunnyvale business community and would welcome any recommendations from you as to the parking and number of students per class.

Thank you for your attention and consideration.

Sincerely,


Jinsu Jeong

Owner/operator

J. Motion Dance School

1998 Homestead Rd. #121

Santa Clara, CA 95050

(408) 393-3130

ATTACHMENT CPage 3 of 3

To City of Sunnyvale Planning Department,
Attn: Steve Lynch, AICP
Ref; Permit Application #2005-0557
Site Address 530 S.Murphy Ave Sunnyvale

The following are the other tenants' business hours:

520 S Murphy: Vacuum cleaner training 8:00AM to 5:00PM their salesman
conducts their business outside the office only. (828 sq ft)

522 S Murphy: Assistance Realty no fix schedule they only have 3 salesman
and most of their business are conducted off site. (546 sq ft)

526 S Murphy: Dry Cleaner business hour is 7:30AM to 6:00PM.
There business are drop off and pick up, no long time parking is required.
(1271 sq ft.)

538 S Murphy: Don's Supply their business hour is 8:00AM to 4:30PM.
Their main business are done by delivering products to their clients they also
do not require long time parking during business hour. (2604sq ft)

542 S Murphy: Art Studio there business are in the afternoon and the
students are being dropped off by their parents and being pick up after the
Class is over. The business hour is 3: PM to 7:00PM closed Sunday.
(868sqft)

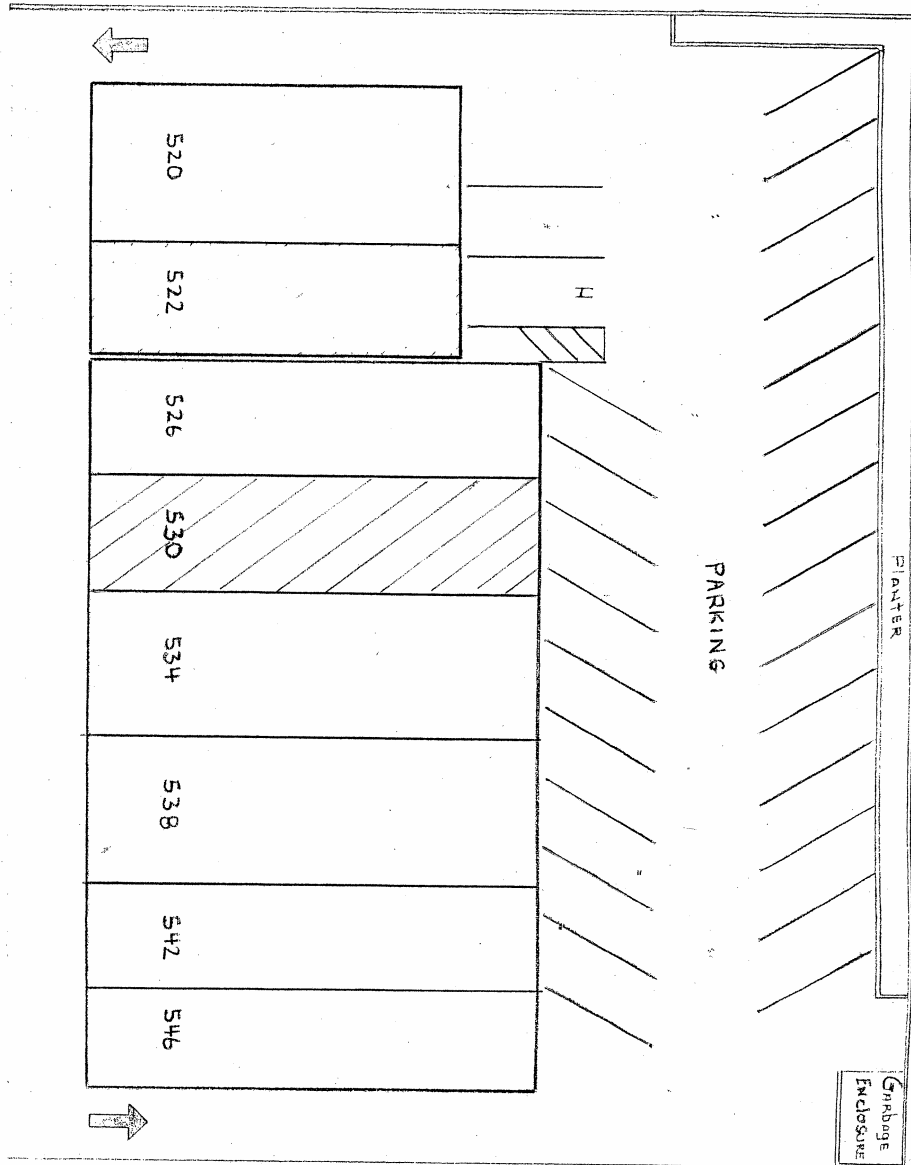
546 S Murphy: Hair Saloon their business hours vary daily because most of
their clients have to make an appointment ahead of time. Their office hrs are
Monday 4:00PM to 8:00PM Tuesday to Friday 10:00AM to 8:00PM
Saturday 8:00AM to 4:00PM Close Sunday. The stylists do not work at the
same time. (930sq ft)

Base on this information I hope that will convince the Planning Department
that Parking is not an issue.

Edmund Li
6/24/05

ATTACHMENT D

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S. MURPHY AVENUE

South Murphy Street

